

**MINUTES OF A REGULAR MEETING
OF THE
BOARD OF TRUSTEES
OF THE
TOWN OF BUENA VISTA, COLORADO**

OCTOBER 12, 2010

CALL TO ORDER

A Regular meeting of the Board of Trustees was called to order at 7:03 PM on Tuesday, October 12, 2010, at the Buena Vista Community Center, Pinon Room, 715 E. Main Street, Buena Vista, Colorado by Mayor Joel Benson. Present were Trustees Jerry Steinauer, Keith Baker, Carrie Carey, Robert Flint, Norm Nyberg, Duff Lacy, Town Administrator Sue Boyd, Town Attorney Jeff Parker, Town Planner Shannon Haydin, Town Engineer Rachel Friedman, Public Works Director Roy Gertson, Police Chief Jimmy Tidwell, Town Treasurer Christine DeChristopher and Town Clerk Diane Spomer. Trustees Baker & Carey were absent.

ROLL CALL

Town Clerk Diane Spomer proceeded with the roll call and declared a quorum.

PLEDGE OF ALLEGIANCE

Mayor Benson led in the Pledge of Allegiance.

AGENDA ADOPTION

Motion #1 by Trustee Flint, seconded by Trustee Nyberg, to adopt the agenda as presented. Motion carried.

CONSENT AGENDA

- A. Minutes**
 - 1. Regular Meeting – September 28, 2010
- B. Advisory Boards**
 - 1. Trails Advisory Board
 - 2. Tree Board
- C.** Should the Board approve adoption of Resolution #99, Series 2010, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPROVING A CONTRACT WITH DELTA DENTAL FOR EMPLOYEE DENTAL INSURANCE**"?
- D.** Should the Board approve adoption of Resolution #100, Series 2010, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPOINTING JAN DEBELLIS AS A MEMBER OF THE TREE BOARD**"?
- E.** Should the Board approve adoption of Resolution #101, Series 2010, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, CERTIFYING DELINQUENT WATER ASSESSMENTS TO THE CHAFFEE COUNTY TREASURER**"?
- F. STREET CLOSURE REQUEST**
 - 1. Should the Board approve a request from the Eddyline Restaurant and Brewery to close Front Loop from Noon – 5 PM on October 31, 2010 for the Eddyline Fall Festival?
- G. POLICE DEPARTMENT/CALL REPORT/MUNICIPAL COURT**

Mayor Benson noted on page 15 the last bullet was specific to the "water accounting" software.

Motion #2 by Trustee Lacy, seconded by Trustee Flint, to approve the Consent Agenda as amended. Motion carried.

Trustee Carey joined the meeting at 7:07 PM.

PUBLIC COMMENT

Steve Little, 112 Lake Street, stated the Board did a good job on the Ordinance for Special events but as a property owner he noted private residences in the area and addressed their views going into next year: an 11 PM curfew in the park is too late; the Music Festival music was too loud and the Town has a noise ordinance that needs to be followed and 10 PM was too late for that night; supports the festivities in Town; the Music Festival shut down the restrooms to the public and port-o-potties were within 15 feet of the creek; felt the music of the last group on Saturday was inappropriate; supports the festivals but the events need to be in a different area.

Harley Hamilton held his comments until after the deer presentation.

RESPONSE TO PUBLIC COMMENT

Mayor Benson stated that staff is looking into several of the issues Steve addressed; the organizers of the Music Festival are looking into other ideas also like the restrooms and conversations and discussions are occurring.

BUSINESS ITEMS

PROPOSAL FROM D.O.W. FOR DEER MITIGATION, RANDY HANCOCK

Randy Hancock, District Wildlife Manager, advised Council that the deer population in the last 30-40 years has increased; they have found safe havens and have maxed out how many can live within the Town limits and we can see the effects of the deer; DOW met with Council several times over the years; some view the deer as wonderful and some feel they are a headache and noted some nutritional problems by residents feeding them. Randy advised that DOW is looking at how to deal with the deer "in the wild" where they should be and proposed instituting a "doe season" to alleviate the deer population and passed out some maps of the proposed area; this would be an extended deer season close to the Town limits from Sept.-Nov.; a letter will be written to every individual who applies for a license to outline the season; there are a few locations you can shoot safely; they want to give more options to harvest deer close to Town to reduce the herd and will limit the number of licenses.

Jim Aragon added there is a deer and elk season going on in the proposed area and this will be an expansion of that season; would be a "list C" license; feel it is a workable tool and want to see how it works.

Discussion followed on gutting the animals and bringing in wildlife; licenses would be done through a "draw" and if any are left over an individual could purchase through the local outlets; open on public and private land.

Harley Hamilton, 158 Windwalker Road, was glad DOW has recognized the overpopulation of deer in Buena Vista; did not hear anything on the addressing of handling the deer born in Town; expressed concern at the Cemetery with how the deer affect the vegetation and trees; felt a 6 foot fence around the Cemetery would be an addition to controlling the deer and volunteered to help with funds or some other method to make the Cemetery a nicer looking place.

The Trustees requested placing low velocity hunting in the Town limits on the next agenda.

DISCUSSION REGARDING REPAIR OF THE WATER LINE ON YALE AVENUE

Sue Boyd outlined the issue on lots on W Yale Avenue; there were five lots that were formed as part of two separate subdivision processes; through the process it was allowed that they could connect to a water service line for water to the five lots; through the normal subdivision process, it would have required installation of water infrastructure that would be dedicated to the Town; the water line materials were purchased from the Town and the line has failed a few times but is currently working; staff has met with the homeowners several times and they are looking for a remedy. There are three options for consideration: do nothing; the Town could contribute in full or in part to repairing the line for \$14,000; invest in installing a water main in Yale Avenue at a cost of about \$40,000 and the homeowners are not willing to contribute.

Discussion followed on mistakes were made by the Town in the past and it needs to be taken care of; the entire property was owned by one individual originally; history of the subdividing of the lots; Roy Gertson approved the installation of the water service line which was done in two phases; the line has failed 7-8 times; the line can serve five homes but the material is substandard; if the line is replaced it runs through yards, trees, bushes and sprinklers; if the Town installs the line do the funds come from the General Fund or from the Water Fund reserves that the water users have contributed to; the water line remains the ownership of the homeowners; recouping costs from future water users of the line who may tap into the line. The Trustees asked staff to do more research on implementing Option #3 and where the funds will come from and whether it will be 2010 funds or 2011 budget. This will be added to the Oct. 26 agenda.

PUBLIC HEARING – Should the Board approve adoption of Ordinance #30, Series 2010, entitled “AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, AMENDING SECTIONS 16-143 AND 16-144 OF THE BUENA VISTA MUNICIPAL CODE TO ALLOW TOURIST ACCOMMODATIONS IN THE R-1 ZONE DISTRICT AS A PERMITTED USE”?

Town Planner Haydin noted this ordinance puts a code in place to allow vacation rentals as a use by right in the residential zone and creates a clear definition on vacation rentals and allows B&B's to remain as a Special Use.

Mayor Benson opened the public comment portion of the hearing at 7:58 PM.

Juanita Nicolai, 82 Tammie Drive, asked if those renting for vacation rentals are subject to paying licenses and taxes.

Christine DeChristopher stated if they are renting homes on a short term basis they are subject to licensing and taxes like a hotel (Chaffee lodging tax, sales tax and they need a business license).

With no other comments received, Mayor Benson closed the public comment portion of the hearing at 8:00 PM.

Shannon added that the ordinance in the packet was the wrong one and the correct one does include the definition and asked that the Hearing be continued to the next meeting.

Motion #3 by Trustee Nyberg, seconded by Trustee Flint, to continue the Public Hearing to Oct. 26. Motion carried. Trustee Steinauer stated he saw a lot of “no’s” and conditions on the analysis list provided, felt low density residential will be a “no” and we should look into it. Discussion held on the number of taps needed for B&B's and also for tourist accommodations/vacation homes and sewer charges that are high. Shannon stated there was a lot of discussion on where to put B&B's and her list was for B&B's; B&B's should remain a use by right and P&Z felt it was important to have more oversight over the uses and the correct ordinance would have addressed this.

PRESENTATION OF THE 2011 BUDGET

Sue Boyd advised that a few assumptions have shifted based on conversations held with the Board and reminded the Trustees this budget is being presented on the assumption that business will be as usual, if the amendments pass at the November election we will look at a contingency budget; on personnel items- the airport position is in this version

Town Treasurer DeChristopher passed out the "Draft budget" and noted her memo outlined the airport position, the Water Department position and the additional hours for Code Enforcement; the budget work session items were addressed; a copy of the budget is at the Library, Town Hall and will be posted to the website; final budget adoption will be Dec. 14 with a motion needed to set the Public Hearings for each meeting and a Special Meeting that needs to be scheduled for November 4 if the amendments and proposition pass at the November election.

Motion #4 by Trustee Flint, seconded by Trustee Steinauer, to set the Public Hearings at each of the next meetings through December 15. Motion carried.

Motion #5 by Trustee Flint, seconded by Trustee Nyberg, to schedule a meeting on Nov 4 if required. Motion carried.

Should the Board approve adoption of Resolution #102, Series 2010, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, AMENDING THE TOWN OF BUENA VISTA FEE SCHEDULE INCORPORATING FEES FOR CURB AND GUTTER AND SIDEWALK**"?

Rachel Friedman noted in Sec. 17 of the Municipal Code our fee payment is to be set by Resolution by the Board January 31 every year; staff is trying to take care of the oversight; the Code outlines how the fee shall be assessed and will be in effect until January 31 and then we will recalculate the fee on January 31, 2011; the cash-in-lieu fee for curb and gutter will be \$40 per linear foot and \$30 for a linear foot of five-foot wide sidewalk.

Discussion followed on costs were taken from bids the Town received this year on projects and staff also used cost estimates from developers.

Motion #6 by Trustee Steinauer, seconded by Trustee Carey, to approve adoption of Resolution #102. Motion carried.

DISCUSSION REGARDING THE FUEL SUPPLIER AGREEMENT AND FUEL TRUCK AT THE CENTRAL COLORADO REGIONAL AIRPORT

Sue Boyd stated the Town was contacted by two distributors this year; Texaco Grand is no longer after Oct. 31 so these companies want to pursue new or vacating what they have in the way of fuel contracts; the Town has an agreement with Air petro to provide Texaco brand; Hiller Group bought out the existing supplier and are now the existing supplier. We were approached recently by Western Petroleum (Exxon product); have not had much time to evaluate what Western Petroleum offers; they did not provide what they can do for us in the way of a fuel truck; our current truck is old and in need of repair; the fuel supplier influences what they can offer in the way of a truck. Because of incentives and offers the two proposals are similar but Hiller is offering a truck for \$59,850/sale price or lease for \$1316/month; we have had issues with Hiller on accounting issues and staff is satisfied with the way they resolved the problems with the accounting and responsiveness with sales representatives. Staff is recommending we stay with the Hiller Group for a fuel supplier and need Board endorsement; for the fuel truck Christine proposed the Town consider purchasing the truck. Christine added that the 1999 can be purchased for \$59,850 or we can lease one for \$79,000 for 5 years; our fuel truck is tied to the fuel supplier and if we own the equipment and are not happy with the service we can switch without worrying about a truck.

Duff Lacy made some contacts about the vehicle; the repairs on indicate a lot of maintenance; the 1999 has been maintained with no warranty history; the City of Greeley runs the same motor in their busses; this truck is not even broke in and would be great for the airport.

Discussion held on checking references - the Town has been working with Hiller Group and has first-hand knowledge but staff can check references; should we purchase a truck if we are trying to hire an FBO or should we own all the equipment and run the airport; if we find we are not happy with an operator and they take their equipment with them we have a problem and that is what staff looked at during this process; the one proposal for an FBO the Town received would have cost the Town more than it would take to operate; Trustee Steinauer felt an FBO could bring more than the Town can offer and felt we should research whether we want an FBO and a direction to go in more detail; the fuel supplier decision has to be made and are hoping to have a contract for the next meeting.

Motion #7 by Trustee Lacy, seconded by Trustee Carey, to direct staff to draw up a proposal to make Hiller our fuel supplier at the airport. Discussion continued on short-term leasing the truck with a clause that if we decide to purchase it what we paid on the lease could be deducted from the total price and that can be negotiated. Motion carried. Sue will put the FBO discussion on a future agenda.

Should the Board approve adoption of Resolution #103, Series 2010, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPOINTING AN INTERIM TOWN CLERK**"?

Sue Boyd noted with Diane Spomer resigning Oct. 21, she has recently proposed an interim situation for consideration to perform the Town Clerk core functions on a contract basis. Attorney Parker stated this item can be postponed so staff can speak with Diane to get more details and set a Special Meeting so the Town does not go without a Town Clerk for three days. Sue added that another matter needs to be discussed for Contract negotiations for an employee.

Discussions held on setting a Special Meeting; the need to pull information together and set a special meeting within the next week; the Town Clerk's job has not been advertised but a revised job description was placed on the table for consideration for posting for re-hire and could take about two months to move through the selection process; the job can be posted immediately if the Trustees are OK with the description.

Motion #8 by Trustee Nyberg, seconded by Trustee Flint, to set a special meeting at 1:00 PM on Tuesday, Oct. 19. Motion carried. Sue outlined some of the duties in the job description.

Should the Board approve adoption of Resolution #104, Series 2010, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, REAFFIRMING THOSE PERSONS WHO ARE AUTHORIZED TO SIGN CHECKS ON TOWN BANK ACCOUNTS**"?

Administrator Boyd noted the Town Clerk usually signs on accounts and the most appropriate person would be Christine DeChristopher to sign intermittently until a new Clerk is appointed; a financial assistant prepares the checks so there is a separation of duties.

Motion #9 by Trustee Carey, seconded by Trustee Flint, to approve Resolution #104, with Christine DeChristopher on Item D and the second blank line. Motion carried. Trustees Steinauer and Nyberg voted against.

Should the Board approve adoption of Resolution #105, Series 2010, entitled "**A RESOLUTION APPROVING A FEE AGREEMENT FOR SPECIAL BANKRUPTCY LEGAL SERVICES BY BUECHLER LAW OFFICE, L.L.C.**"?

Administrator Boyd discussed this item with Attorney Parker as Lonesome Pine Holdings filed bankruptcy (developer at Cottonwood Meadows); Special Counsel has expertise in bankruptcy and the Town needs to monitor how this proceeds; staff proposes the initial scope be limited to a briefing with the Town Attorney, Water Attorney and Sue and then Special Counsel appear at the November 4 meeting in Court. Attorney Parker added that he handles most items in-house, but any matters with complications and bankruptcy should be handled by Special Counsel, has worked with Ken Buechler previously and noted Ken works with this all the time and is able to handle water matters and adequately represent the Town.

Discussion followed on the Water Attorney needs to be there for how the bankruptcy affects the Town's dry up rights and contractual obligations; the Town's court order that The Meadows has to comply with; can bankruptcy trump the dry up rights through the bankruptcy process; Jeff will discuss water rights issues with Mr. Buechler and what rights belong to Mr. Cogswell; the Town has \$50,000 upfront at stake; the Town did not hire Special Counsel for the last bankruptcy.

Motion #10 by Trustee Nyberg, seconded by Trustee Flint, to approve adoption of Resolution #105, Series 2010. Roll call vote: Carey-aye, Steinauer-aye, Nyberg-aye, Lacy-aye, Flint-aye. Motion carried.

STAFF REPORTS

TOWN ADMINISTRATOR

Administrator Boyd had the following items to cover:

- We are replacing windows at Town Hall with grant funds.
- Will meet with the Performing Arts Council about an approach for the feasibility of developing the amphitheater; there is reason for them to do the geo technical analysis before a full blown environmental analysis and then the Town would need to give them permission. Mayor Benson noted it is the Central Colorado Performing Arts Center and stated that the Board asked them to talk to the Orpheum group to see about collaboration.
- Thursday Mayor Benson and I will attend the Economic Development Board's visit to DOC; a CML regional meeting will be in Canon City that day also and Mayor Benson, Trustees Flint and Carey and I will be attending. On Saturday, Oct. 16, the Chamber is hosting their member banquet at the airport; Mayor Benson, Trustees Flint and Carey and I will be attending with a power point presentation by myself.

AIRPORT MANAGEMENT

Administrator Boyd had the following items to cover:

- The AWOS maintenance was completed; web cameras are installed on the terminal
- We are hoping to bring a proposal for extension of asphalt on the taxi-ways at the next meeting; we are monitoring progress on the Jay Jones' hangar.
- The Tenant meeting brought up a few things: pilot price sensitivity, need for a crosswind landing strip and changing the draft Rules and Regs. to make it clear under what conditions landing on the taxiway might be appropriate.
- Mr. Mandes will pick up half the cost of the appraisal on the hangar; spoke with an appraiser who will submit a proposal and that is coming before the Board shortly.
- Activity at the airport has been pretty consistent.
- Trustee Nyberg asked if the FAA would allow the use of recycled asphalt for taxiways if a sealer was put on it and noted ACA has a sealer that looks almost like asphalt.

TOWN TREASURER

- Mayor Benson asked about the legal fees in the budget. Christine stated she would look at the figures. Joel asked about sales tax figures. Christine stated they will be available tomorrow or Thursday.
- Christine noted the airport sales information is available as Attachment D.

TOWN PLANNER

- Shannon noted the approval of curb, gutter and sidewalk fees and a need for a discussion on how the fees are applied and collected; a number of fees have been waived in the past, gave

examples of subdivisions where we collected and where we waived them; noted there are street tree fees and the need to establish priorities and solicited input. Discussion held on collecting fees and setting them aside for the future; we have one developer who paid for sidewalks and they were never done (Steve Jacobson on Crossman). It was decided that Shannon will brainstorm mechanisms with P&Z and bring the ideas back to the Board.

- Shannon noted P&Z took the chart of set-backs and minimum lot sizes and pulled out the old town lots and made it into a separate chart; the Trustees desired a form based code that was simple and easy to understand; the easiest thing is to calibrate the code we have; the new Code is simple and only two pages.

PUBLIC WORKS/WATER STATUS REPORT

- Roy Gertson noted Aurora & Colorado Springs hired an engineering company to look at the upper Arkansas River Basin for wildfire contamination; Buena Vista is involved in the study for our Water Shed that will be part of the study and done for free and we'll receive ways to improve our water shed; have attended one meeting and will keep Council updated.
- We started the procedure to hire a new Water Tech, have reviewed and revised the job description and hope to advertise soon.
- Trustee Nyberg asked about holes in front of the Police Dept. Roy will check into it.
- Town Engineer Friedman prepared a Water Status Report; the new system is started up but we haven't used it yet and are using our old system; the Town is at 1507 taps and there are a few ways to figure how many taps we have left; worked with Patti so each tap was then put into a category. Discussion held on what each tap equals and that will be discovered in the process; change over to EQR. Rachel stated she will use taps.

BUENA VISTA VOLUNTEER FIRE DEPARTMENT

- Trustee Flint attended the grand opening of the Chaffee County Fire Department facility on Saturday on Antero Circle and was impressed with the amount of equipment they had.


TRUSTEE/STAFF INTERACTION

- Trustee Carey asked why the Town did not have a dump station. Christine stated the City of Salida has one since they do the sanitation.
- Roy Gertson noted the Town received the tree sculptures and they are at the Shop and asked for placement ideas. Discussion held on soliciting input from the Beautification Committee;
- Mayor Benson noted the baseball field was being used as a dog park; someone talked to him today about their terror in crossing the highway and having safe zones with one by the Library also; Chaffee Housing Trust was looking for someone from BV to serve on their Board and one individual expressed interest and may also be interested in serving on P&Z so Joel suggested the Chaffee Housing Trust and asked the Trustees for support on the idea. Shannon noted Carlo Boyd was on the Board and he has been removed and felt it would be good to have someone serve.

ADJOURNMENT

Motion #11 by Trustee Nyberg, seconded by Trustee Lacy, noting that there being no further business to come before the Board declared that the meeting be adjourned at 9:34 PM. Motion carried.

Respectfully submitted:



Mayor, Joel Benson



Town Clerk, Diane Spomer